

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION**

Stephen Judge and Anjanette A. Judge,)	Civil Action No. 9:21-CV-2118-RMG
)	
)	
Plaintiff,)	
)	
v.)	
)	
S.C. Department of Transportation,)	ORDER AND OPINION
Beaufort County, S.C., The Town of Hilton)	
Head Island, First Baptist Church of Hilton)	
Head Island, and John Doe Corporation)	
)	
)	
Defendants.)	
)	

Before the Court is S.C. Department of Transportation, Beaufort County, S.C. and the Town of Hilton Head Island (“Defendants”) motion to compel Plaintiffs Stephen Judge and Anjanette A. Judge’s responses to Defendants’ Interrogatories and Requests for Production of Documents. (Dkt. No 28). Defendants maintain that on September 28, 2021, Defendants served Plaintiffs’ counsel with Defendants’ Interrogatories and Requests for Production of Documents. (Dkt. No. 28). Plaintiffs’ responses to the requests were due on October 28, 2021. (*Id.*). On November 12, 2021, Defendants’ counsel sent Plaintiffs’ counsel a letter noting that Plaintiffs’ responses were overdue and requesting that Plaintiffs serve responses within ten days. (Dkt. No. 28-1). On November 22, 2021, Defendants’ counsel sent an email to Plaintiffs’ counsel inquiring as to the status of Plaintiffs’ discovery responses. (Dkt. No. 28-2). Defendants maintain that, to date, no responses have been served. (Dkt. No. 28).

On December 8, 2021, Defendants filed a motion to compel seeking to compel Plaintiffs’ responses to Defendants’ Interrogatories and Requests for Production of Documents. (Dkt. No.

28). On December 8, 2021, the Court entered a Text Order instructing Plaintiffs to file a response in opposition to Defendants' motion to compel on or before December 15, 2021. (Dkt. No. 29). To date, Plaintiffs have not filed a response in opposition to Defendants' motion.

If a party declines to answer an interrogatory or request for production, the serving party "may move for an order compelling an answer, designation, production, or inspection." Fed. R. Civ. P. 37(a)(3)(B). An evasive or incomplete disclosure, answer, or response, "must be treated as a failure to disclose, answer, or respond." Fed. R. Civ. P. 37(a)(4). District courts have "wide latitude in controlling discovery and [their] rulings will not be overturned absent a showing of clear abuse of discretion." *Ardrey v. United Parcel Service*, 789 F.2d 679, 683 (4th Cir. 1986); *In re MI Windows & Doors, Inc. Prod. Liab. Litig.*, 2013 WL 268206, at * 1 (D.S.C. Jan. 24, 2013).

As Plaintiffs have not filed a response in opposition to Defendants' motion, Defendants S.C. Department of Transportation, Beaufort County, S.C. and the Town of Hilton Head Island's motion to compel is **GRANTED**. (Dkt. No. 28). Plaintiffs shall serve responses to Defendants' Interrogatories and Requests for Production of Documents on or before December 27, 2021.

AND IT IS SO ORDERED.

s/ Richard M. Gergel
Richard M. Gergel
United States District Judge

December 17, 2021
Charleston, South Carolina